

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**February 28, 2011**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB443** by Fletcher (Relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, *capias*, or *capias pro fine*.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB443, As Introduced: a positive impact of \$400,000 through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2012	\$200,000
2013	\$200,000
2014	\$200,000
2015	\$200,000
2016	\$200,000

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue Gain from <i>General Revenue Fund</i> 1</b>
2012	\$200,000
2013	\$200,000
2014	\$200,000
2015	\$200,000
2016	\$200,000

**Fiscal Analysis**

Section 1 of the bill would amend the Code of Criminal Procedure, Article 102.011(a) to increase an existing court cost related to peace officer services for executing or processing an arrest warrant, *capias*, or *capias pro fine* from \$50 to \$75.

**Methodology**

According to the Comptroller of Public Accounts (CPA) and the Office of Court Administration, the fee is charged once an individual is convicted of the offense that prompted the arrest warrant, with 80 percent of fee revenue deposited to the county's treasury and 20 percent remitted to the CPA, if the services are performed by a state peace officer. Currently this fee brings in over \$1.0 million per year

to the state and the CPA estimates that the changes made to this fee by the bill would bring in an additional \$200,000 per year in General Revenue. Additional revenue to the state would depend upon the number of arrests using an arrest warrant, the number of convictions related to those warrants, and the number of arrest warrants served that involve a state peace officer.

### **Technology**

No impact to technology is anticipated for state agencies.

### **Local Government Impact**

According to the Comptroller of Public Accounts (CPA), the increase in the peace officer services fee would result in an additional revenue for local governments, the revenue increase would depend upon county population, number of arrests, and number of convictions. The CPA contacted three counties of varying population sizes to provide a sample of potential impact. For Harris County, it is estimated that this fee would result in \$3.4 million in additional revenue per year starting in fiscal year 2012. For Bell County, it is estimated that this fee would result in \$140,000 in additional revenue per year starting in fiscal year 2012. For Eastland County, it is estimated that this fee would result in \$13,000 in additional revenue starting in fiscal year 2012.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

**LBB Staff:** JOB, ESi, ZS, JJO, KKR, TB